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10/807,137	03/24/2004	Thomas Laukamm	743050-8	3689

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EXAMINER
WILLIAMS, CLAYTON R

ART UNIT	PAPER NUMBER
2457	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/807,137	LAUKAMM ET AL.	
	Examiner	Art Unit	
	Clayton R. Williams	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-14 are pending in this application per amendment.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 4-7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer et al. (20020099591: hereinafter Dyer), in view of Madison (20020023123: hereinafter Madison).

For claim 1, Dyer discloses Data transmission process for transmission of data sets between at least one query data server, at least one display data server and at least one client ([0036]: "Similarly, the server may redirect the user to a second location that contains the questionnaire. Selection of the test product may result in the user being redirected to a separate website containing the questionnaire. The first server accesses and obtains the questionnaire information from the second server on the network, and then forwards the information to the user's browser." The cited passage discloses a system comprising two distinct servers--one of which houses questionnaire data—that communicate with a client system) comprising the steps of:

maintaining a display data set on the at least one display data server and making the data set accessible to the at least one client via an online connection which has been set up at least temporarily from the at least one client to the at least one display data server ([0029], lines 20-23: "The server then provides the stored product information over a distributed network while serving the contents of the online vendor's website to the user's browser." The cited passage discloses a web server providing "display data sets" to a requesting client system),

automatically retrieving and transmitting the display data set from display data server to that at least one client via the online connection which has been set up at least temporarily and displaying the retrieved display data set at the at least one client for viewing by a user in a first display window ([0031], lines 1-3: "Upon receiving the user's request for the website, the server transmits data to the browser, box 130, whereby the browser uses the data to form a webpage display, box 140."),

initiating of a query process by an input from the user in a second display window ([0035], lines 1-2: "[T]he server may redirect the user to a second location that contains the questionnaire. Selection of the test product may result in the user being redirected to a separate website containing the questionnaire." The cited passage discloses a user being provided with a questionnaire simultaneously alongside other delivered web content), and

in response to said input, at least partially overlapping in time with displaying of the display data set retrieved from the display data server in said first display window, based on a query data set which is different from the display data set, automatically

sending from the at least one query data server, an input request for inputting of response data from the client to the user of the client, wherein the input request is displayed in the second display window at least partially overlapping in time with retrieved data displayed in said first display window ([0035], lines 1-4, The cited passage discloses questionnaire data stemming from a source separate from webpage being served and lines 12-16, disclosure of questionnaire data being presented alongside webpage to requesting user).

Dyer fails to explicitly disclose:

"upon initiation of a data transmission process by a user of the client using a browser without a backward channel, automatically recognizing with a control mechanism on the query data server that the data transmission process to be started requires use of a browser with a backward channel;

causing a browser with the backward channel to be started on the client and using the browser with the backward channel for the data transmission process";

However, Madison discloses a system wherein a server detects whether a client web browser has the necessary software to enable desired web functionality. In the event the client lacks the necessary software, the web server transmits the required software to the client web browser ([0035]). Dyer and Madison are analogous art because both concern providing client services and functionality via web protocols.

It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce Madison's teachings of providing a client web browser with the required software to enable full website functionality with Dyer's web-based client

feedback platform in order to create a system which allows for a web client to provide real-time feedback regarding web pages transmitted to it. The motivation to combine would have been to allow for enablement of "feedback" functionality of a web client regarding content transmitted to it in the event the web client lacked the necessary software components.

For claim 2, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 1, wherein the response data input by the user in response to the input request are automatically transmitted to a feedback server (Dyer, [0037], lines 1-4: “The questionnaire may appear as a series of separate questions, where the browser presents each question and returns the user's response to the server to initiate a subsequent question.”).

For claim 4, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 2, wherein the query data set is transmitted automatically online via a connection which has been set up at least temporarily from the query data server to the client (Dyer, [0037], lines 1-4).

For claim 5, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 4, wherein the feedback server is used as a query data server (Dyer, [0035], lines 1-12: The cited passage discloses wherein the server which

provides questionnaire data to a client also takes receipt of client responses to the questionnaire.).

For claim 6, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 2, wherein the input of the response data and automatic transmission of the response data to the feedback server takes place via the client (Dyer, [0042], lines 4-7: The cited passage teaches that user responses received by browser, box 310 are subsequently forwarded to server, box 320).

For claim 7, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 1, wherein a shared display device is used for displaying of the display data set, for inputting requests based on the query data set and for inputting of response data (Dyer, [0031], lines 2-5: The passage discloses a client web browser rendering HTML data transmitted from web server).

For claim 13, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 1, further comprising performing the data transmission process by the user of the client using the browser over a browser channel different from the backward channel ([0035], lines 1-4, The cited passage discloses questionnaire data (i.e., the browser channel) stemming from a source separate from webpage being served. Furthermore, Dyer, [0037], lines 1-4 discloses: "[T]he browser

presents each question and returns the user's response to the server (i.e., the backward channel) to initiate a subsequent question.").

For claim 14, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 1, further comprising initiating of the query process by the input from the user in the second display window, the second display window being provided in association with and adjacent to the first display window ([0035], lines 1-2: "[T]he server may redirect the user to a second location that contains the questionnaire. Selection of the test product may result in the user being redirected to a separate website containing the questionnaire." The cited passage discloses a user being provided with a questionnaire simultaneously alongside other delivered web content).

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer, in view of Madison, and further in view of Hewitt et al. (20010034219: hereinafter Hewitt).

For claim 3, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 1 but fails to explicitly disclose:

"wherein displaying of the display data set retrieved from the display data server and the input request based on the query data set take place synchronously from the client to the user of the client for input of response data".

However, Hewitt discloses wherein displaying of the display data set retrieved from the display data server and the input request based on the query data set take

place synchronously from the client to the user of the client for input of response data (Para. [0029] teaches a tuning service 120 and its associated databases 181-187 whereby a user can express interests by voting on songs or filling out surveys. Para. [0031] and [0032], lines 3-8 further discloses these expressed interests are used to refine content offered to listener and an enhanced services 190 using information provided by a radio appliance 150 provides content to a user.

It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce Hewitt's teachings of synchronous communication (i.e., feedback) between a server and user client with Dyer's and Madison's web-based client feedback platform in order to create a system which allows for real-time client feedback regarding content transmitted to it. The motivation to combine would have been to allow for enablement of real-time synchronous "feedback" functionality of a web client regarding content transmitted to it. Thus, the system as modified would allow for content delivery tailored to a user's interest.

5. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer, in view of Madison, in view of Gorodetsky et al.(20020124049: hereinafter Gorodetsky), and further in view of Lippiner et al. (20020147776: hereinafter Lippiner).

For claim 8, the combination Dyer and Madison discloses the Data transmission process as claimed in claim 1 but fails to explicitly disclose:

"wherein a plurality of display data sets are automatically transmitted in succession in time from the at least one display data server to the at least one client and are displayed by the client, a respective request for inputting of response data being sent automatically from the at least one client to the user thereof in a manner at least partially overlapping in time with displaying of the respective display data set from the client based on a respective query data set which differs from the display data set."

However, Gorodetsky discloses wherein a plurality of display data sets are automatically transmitted in succession in time from the at least one client and are displayed by the client (Para. [0019] teaches a java applet embedded into web pages that allows for asynchronous pushing of information to a web browser).

It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce Gorodetsky's teachings of push communication between a server and user client with Dyer's and Madison's web-based client feedback platform in order to create a system which allows for the capture of feedback regarding content push to a client. The motivation to combine would have been to allow for enablement of real-time synchronous "feedback" functionality of a web client regarding content transmitted to it.

The combination of Dyer, Madison and Gorodetsky fails to explicitly disclose:

"a respective request for inputting of response data being sent automatically from the at least one client to the user thereof in a manner at least partially overlapping in time with displaying of the respective display data set from the client based on a respective query data set which differs from the display data set"

However, Lippiner teaches “a respective request for inputting of response data being sent automatically from the at least one client to the user thereof in a manner at least partially overlapping in time with displaying of the respective display data set from the client based on a respective query data set which differs from the display data set” ([0038], lines 1-4, a system for surveying visitors to a website that discloses the central server 102 launching a survey, as a separate popup window, on the visitor’s computer that does not prevent the originally requested page from loading).

It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce Lippiner’s teachings of overlapping, asynchronous client feedback overlapping with delivered content with Dyer’s, and Madison’s and Gorodetsky’s web-based client feedback platform in order to create a system which allows for the “overlapping” capture of feedback regarding content push to a client. The motivation to combine would have been to allow for enablement of real-time, overlapping "feedback" functionality of a web client regarding content transmitted to it.

For claim 9, the combination of Dyer, Madison, Gorodetsky and Lippiner discloses Data transmission process as claimed in claim 8, wherein there is a predetermined control mechanism in which the display data set which is to be displayed and the pertinent respective query data set for the input request, are fixed for controlling of an automatic progression (Gorodetsky, [0019]: The embedded java applet teaches a "control mechanism" with which to automatically advance display sets and collect query data sets from user input requests).

For claim 10, the combination of Dyer, Madison Gorodetsky and Lippiner discloses Data transmission process as claimed in claim 9, wherein the control mechanism is kept at the client or is transmitted automatically via a connection which has been set up at least temporarily from the query data server to the client (Gorodetsky, [0019]).

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer, in view of Madison, and further in view of Musgrove et al. (6725222: hereinafter Musgrove).

For claim 11, the combination of Dyer and Madison discloses Data transmission process as claimed in claim 1 but fails to explicitly disclose:

"wherein the progression of the process is automatically protocolled".

However, Musgrove discloses wherein the progression of the process is automatically protocolled (Musgrove discloses a web server 20 (col. 4, lines 39-40) that utilizes cookies (col. 5, lines 66-67 through col. 6, lines 1-2) to maintain the state of interaction between a client and the server (col. 6, lines 24-31)). The combination of Dyer and Madison and Musgrove are analagous art because both concern means by which client receive protocolled web content.

It would have been obvious to one of ordinary skill in the art at the time of the invention to introduce Musgrove's teachings of employing cookies to maintain the state of interaction between a client and server regarding a feedback session with Dyer's and

Madison's web-based client feedback platform in order to create a system which allows for the resumption of interrupted feedback sessions with a client. The motivation to combine would have been to allow for the enablement of the resumption of an interrupted feedback session.

For claim 12, the combination of Dyer, Madison and Musgrove disclose Data transmission process as claimed in claim 1, wherein the automatic protocolling is performed on a server which is different from the client (Musgrove, col. 6, lines 24-31: The cited passage discloses a server associating client cookie ID with session state.).

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues prior art of record of does not disclose wherein a web server detects the absence of client-side functionality and thereafter triggers or provides the necessary client functionality for purposes of "backward channel" communication.

Examiner respectfully disagrees. Madison discloses a system wherein a server detects whether a client web browser has the necessary software to enable desired web functionality. In the event the client lacks the necessary software, the web server transmits the required software to the client web browser ([0035], lines 25-30: "When a client visits a Website containing an ActiveX control, the …browser recognizes the HTML object tag, automatically downloads the control, and presents the client with a digital certificate that authenticates the control. The user then decides whether or not

to install the control."(emphasis added)). Additionally, Madison para. [0035], lines 20-25 discloses that "once an ActiveX component has been downloaded, a client need not download the same component again." As disclosed by Madison, the mechanism for checking for software components for additional website functionality only downloads software components when they have not been previously obtained by a client system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clayton R. Williams whose telephone number is 571-270-3801. The examiner can normally be reached on M-F (8 a.m. - 5 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clayton R Williams/
Examiner, Art Unit 2457
11/3/2009

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